

Message Text

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42

ACTION L-03

INFO OCT-01 EUR-25 ADP-00 SCA-01 SCS-03 INR-10 INRE-00

RSC-01 RSR-01 CPR-02 /047 W
----- 093960

P 031436 Z APR 73

FM AMEMBASSY PRAGUE

TO SECSTATE WASHDC PRIORITY 4110

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E. O. 11652: N/ A

TAGS: OGEN, PFOR, CZ

SUBJ: CONSULAR CONVENTION NEGOTIATIONS

REF: (A) STATE 59230, (B) PRAGUE 581, (C) PRAGUE 541

1. BECAUSE OF ABSENCE OF CZECH NEGOTIATOR THIS WEEK, NEXT NEGOTIATING SESSION SCHEDULED APRIL 9. IF REMAINING SUBSTANTIVE ISSUES ARE SETTLED DURING ONE OR TWO MEETINGS DURING WEEK OF APRIL 9-13, VISIT BY DEPARTMENT LEGAL OFFICER DURING FOLLOWING WEEK TO COMPLETE TEXT WOULD BE DESIRABLE.

2. EMBASSY DID NOT INTEND TO CONVEY IMPRESSION THAT CZECHS HAVE AGREED TO ANY PROVISIONS WHICH SPECIFICALLY CONCERN DUAL NATIONALS. STATEMENT IN PARAGRAPH 6 OF REFTEL B REFERRED TO PROVISION THAT ARTICLE 36 WILL APPLY " IN ALL INSTANCES WHEN A NATIONAL OF THE SENDING STATE IS PLACED UNDER ANY FORM OF DEPRIVATION OR LIMITATION OF PERSONAL FREEDOM," AND NOT TO TREATMENT OF ARRESTED DUAL NATIONALS AS IN PARAGRAPH D OF REFTEL A. WE DO NOT, HOWEVER, ANTICIPATE ANY DIFFICULTY ON THIS SCORE.

3. EMBASSY WOULD PREFER TO LEAVE LIMITATIONS ON ENJOYMENT OF PRIVILEGES AND IMMUNITIES IN INDIVIDUAL ARTICLES AS THEY APPEAR IN CZECH DRAFT RATHER THAN ADD SEPARATE GENERAL PROVISION AS PROPOSED IN PARAGRAPH IE OF REFTEL A. SUCH
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AN ARTICLE WOULD HAVE TO REFER TO OTHER ARTICLES WHICH IT AFFECTS IN ORDER TO AVOID UNDERSIRABLE LIMITATIONS, FOR INSTANCE, LIMITING LOCAL CONSULAR EMPLOYEES' IMMUNITY FROM BEING REQUIRED TO TESTIFY AS PROVIDED IN ARTICLE 18 OF CSSR DRAFT. CROSS REFERENCING OF THIS NATURE WOULD NOT, WE THINK, ADD TO THE CONVENTION'S CLARITY. IN ANY EVENT, AO WOULD PREFER NOT TO RAISE QUESTION THIS LATE IN NEGOTIATIONS WHICH HAS NOT PREVIOUSLY BEEN MENTIONED AND WHICH WOULD INVOLVE REWORKING SEVERAL ARTICLES TO ACHIEVE MINOR ADVANTAGE.

4. EMBASSY BELIEVES THAT LANGUAGE PROVIDED IN PARAGRAPH 15 OF REFTEL C TIES WAIVER OF IMMUNITY TO SPECIFIC PROVISIONS OF ARTICLE 34 AS REQUIRED IN PARAGRAPH 1 C OF REFTEL A. CZECHS HAVE ALREADY ACCEPTED THIS FORMULATION.

5. EMBASSY REQUESTS DEPARTMENT'S COMMENTS ON UNRESOLVED ISSUES PRESENTED IN REFTEL C. SPECIFICALLY:

A. IS LANGUAGE
PROPOSED FOR ARTICLE IE ACCEPTABLE?
(PARAGRAPH 4).

B.(IS ADDITION OF " ONLY" TO ARTICLE 5 ACCEPTABLE?
(PARAGRAPH 5).

C. DOES DEPARTMENT AGREE THAT REFERENCE TO RESIDENCE
OF HEAD OF CONSULATE IN US PROPOSAL ON ARTICLE 15 IS NECESSARY?
(PARAGRAPH 6).

D. IS ALTERNATE LANGUAGE PROPOSED FOR ARTICLE 25
ACCEPTABLE? (PARAGRAPH 8).

E. IS DEPARTMENT AWARE OF ANY PROVISIONS OF FEDERAL OR
STATE LAWS WHICH, IF AS PROPOSAL INCLUDED IN PARAGRAPH 5 OF
ARTICLE 34, WOULD NULLIFY ESTATE RIGHTS GRANTED IN ARTICLE 34?
(PARAGRAPH 12).

F. WITH INTERPRETATION FURNISHED BY CZECHS, IS PARAGRAPH 7
OF ARTICLE 34 ACCEPTABLE ? (PARAGRAPH 13).

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G. IS MARRIAGE CONDUCTED BY CZECH CONSULAR OFFICER VALID

IN U. S.? (PARAGRAPH 19).

WORTZEL

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts:
Control Number: n/a
Copy: SINGLE
Draft Date: 03 APR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: cunninfx
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973PRAGUE00686
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: n/a
From: PRAGUE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730430/aaaahjgl.tel
Line Count: 121
Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 73 STATE 59230, 73 PRAGUE 581, 73 PRAGUE 541
Review Action: RELEASED, APPROVED
Review Authority: cunninfx
Review Comment: n/a
Review Content Flags:
Review Date: 07 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07-Sep-2001 by rowellE0>; APPROVED <13-Sep-2001 by cunninfx>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> gwr 971117
Subject: CONSULAR CONVENTION NEGOTIATIONS
TAGS: OGEN, PFOR, CZ, OGEN
To: L
SECSTATE WASHDC
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005